

**Town of Fenwick Island  
Minutes of the Charter & Ordinance Committee  
Meeting  
June 2, 2009**

**APPROVED 7.7.09**

**Call to Order at 9:30 a.m.**

**Present:** Committee Members Bill Weistling, Gene Langan, Todd Smallwood, Winnie Lewis, Vicki Carmean, Buzz Henifin, Chris Clark, Win Abbott and Pat Schuchman.

**Absent:** Audrey Serio

**Public Attendance:** Mike Quinn, Ray Fager

**Minutes:**

- Buzz Henifin made a motion to approve the minutes of May 5, 2009 seconded by Vicki Carmean.

**Council Eligibility:**

- Bill Weistling advised that the proposed draft amendment to the Charter on “Vacancies and Forfeitures” has been forwarded for Tempe Steen’s review.

**Wind Turbines:**

- Bill informed the committee that the State is in the process of developing an ordinance regulating wind turbines. It is important to note the state’s ordinance will prevent town and counties from prohibiting turbines.
- Bill suggested waiting to see what regulations the state sets for turbines.
- Win Abbott commented that since the state is involved with budget discussions, it may be months before any thing is decided statewide on turbines.
- Some committee members believed we should begin drafting our own regulations concerning setbacks and whether we should use the 1:1 ratio commonly used or include the height of the pole as well as the width of the blade in the ratio.
- Bill will get something together to send a draft to Tempe and include a decibel level similar to the state’s proposed 45 dba.

**Codebook Updates:**

- A review of Chapters 1 thru 52 of the Code was reviewed for consideration as follows:
  - Chapter 1-8E was discussed regarding Town streets – Bill will have Tempe review for interpretation.
  - Chapter 5 (Alderman) has been removed from the ordinance.

- Chapter 9 (Defense & Indemnification) under review.
  - Chapter 13 (Elections) amendment in progress
  - Chapter 17 (Emergency Management) agreed to eliminate “Commissioner or Public Safety” and replace “Public Works Superintendent” with “Public Works Representative”. The Fenwick Island Beach Patrol Captain will participate in emergencies on an “as needed” basis rather than June 15 – September 15. All other appointees will be at the discretion of the Mayor which is in line with NIMS requirements for local government.
  - Chapter 24 (Ordinances, Enactment of) – §24-5, an amendment to add “and/or website” following “all proposes ordinances.....shall be displayed clearly and be visible to the public on a bulletin board....”
  - Chapter 35 (Personnel Policies) – no longer an ordinance – the Personnel Policies and Procedure Manual is on file and available for inspection at the town offices.
  - Chapter 40 – (Town Council) – the title of “Deputy Mayor” and authorized signatures on checks were discussed.
  - Chapter 48 (Animals) – Discussion on fines and clarification on issuance of summons. Buzz will review both Articles I and II and will make recommendations at the next meeting.
  - Chapter 52 (Beaches) – discussion on prohibited items on beach which are regulated by the lifeguards.
- Next month “Codebook Review” will continue with Chapter 56 (Boating) through Chapter 160 (Zoning).
  - Bill added that the Chief has asked for a review of Chapter 77 (Disorderly Conduct) in order to regulate disorderly houses, persons and curfews for juveniles.

### **Comprehensive Plan:**

- Winnie Lewis commented that each C&O meeting continues to address the goals of the Planning Commission.

### **Next Meeting:**

- Discussions planned will be:
  - Codebook Updates (Chapter 56 – Chapter 160)
  - Wind Turbines (ordinance draft)

### **Old:**

- Bill informed the committee commercial dumpster screening has been sent to Tempe for review along with the amendment to the Charter on “Forfeitures & Vacancies”.
- Chris Clark, representing the Commercial Liaison Committee, addressed some concerns on the screening requirement on behalf of the CLC

- The CLC has concerns on what prompted this change in the code and was told originally it evolved from what would have been a requirement for apartments and it was agreed to include all commercial dumpster areas.
- Chris referred to the current ordinance where a dumpster area is required to have a concrete pad for under a dumpster and expressed concerns for run-off into the drains.
- He also expressed a concern that chain link fences with diagonal slats would be permitted but that vegetation as an alternative to this type screening would not be permitted.
- Todd and Vicki explained that all existing commercial dumpster areas are already on some type of solid surface and the vegetation is not practical.
- Vicki added that she has spoken with some business owners who had no objection to the requirement since they will be given ample time to comply.
- Winnie also added that the waste disposal companies Pat spoke with (Moor & Waste Management) do not charge any additional fees if they have to open and close gated areas.
- Chris suggested this be addressed at the June Environmental Committee meeting to discuss alternatives for new construction such as permeable surfaces and living fences.

**New:**

- Bill commented on his personal opinion that as it has become increasingly difficult to recruit candidates to run for yearly Town Council elections, perhaps the Town should consider having 5 councilmembers instead of 7 councilmembers. This could be something discussed prior to next year's election.

**Adjourn:**

- Gene Langan made a motion to adjourn the meeting, seconded by Buzz Henifin. The meeting was adjourned at 11:05 a.m.